

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised per AM 1861 and AM 1385

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	249,626	0	0	0	249,626
FY2027-2028	254,602	0	0	0	254,602
FY2028-2029	254,602	0	0	0	254,602
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

AM 1861 replaces AM 1385 in its entirety, preserving the intent to require that school boards and postsecondary educational institutions adopt a policy and provide training relating to discrimination and antisemitism and provide for Title VI coordinators.

Section 1 now requires that the State Board of Education develop a model policy for schools. In its revised fiscal note, the Nebraska Department of Education (NDE) explains there would be minimal costs associated with the development of this policy.

Section 2 provides that the Commissioner of Education designate an individual to fulfill the role and duties of the Title VI Coordinator within the NDE. Complaints, investigations, and enforcement of civil rights laws are currently carried out by the federal government. NDE asserts that enactment of LB 538 as currently amended would require NDE to do this work, and that a new 1.0 FTE Program Specialist II would be hired to carry out these duties. Key operating costs include equipment, software, and data processing / communications.

Program Specialist II 1.0 FTE	FY26-27 Expenditures	FY27-28 Expenditures
Salary	\$63,641	\$65,709
Benefits	43,191	44,328
Operating	22,640	18,370
Travel	1,354	1,395
TOTAL	\$130,826	\$129,802

Section 4 of AM 1861 requires that the Coordinating Commission for Postsecondary Education (Commission) designate a Title VI coordinator who will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institutions and file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The Commission believes an attorney would be best suited to perform the investigative duties as defined in Section 5. Expenditures would consist of 1.0 FTE salaries and benefits, operating expenses (phone and computer), and travel expenses related to investigations.

Attorney II 1.0 FTE	FY26-27 Expenditures	FY27-28 Expenditures
Salary	\$77,200	\$79,500
Benefits	38,600	42,300
Operating	1,500	1,500
Travel	1,500	1,500
TOTAL	\$118,800	\$124,800

The Nebraska State College System reports no additional expenditures are expected for its campuses if LB 538 were to pass. The University of Nebraska anticipates that LB538, as amended, could result in increased administrative and compliance-related workload rather than new programmatic costs, but that any direct fiscal impact would be limited but indeterminate at this time. The Fiscal Office has no basis to disagree with the above responses.

The Community Colleges report annual expenditures of \$51,500 and \$53,405 respectively, which could be absorbed within FY27 appropriations exceeding \$398 million.

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538 AMs 1861 & 1385

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Nebraska Community College Association

Prepared by: ⁽³⁾ Courtney Wittstruck

Date Prepared: Feb. 4, 2026
⁽⁴⁾

Phone: ⁽⁵⁾ 402-471-4685

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2026-27</u>		<u>FY 2027-28</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$50,000		\$51,500	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

New policy development costs plus additional training and development amount to an estimated \$10,000 per NCCA college per year, plus a 3% YoY increase.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26 EXPENDITURES</u>	<u>2026-27 EXPENDITURES</u>
	<u>25-26</u>	<u>26-27</u>		
Benefits.....				
... Operating.....				
.... Travel.....				
. Capital outlay.....				
Aid.....				
. Capital improvements.....				
TOTAL.....				

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: **538** AM: **1385, 1861** AGENCY/POLT. SUB: **Nebraska Department of Education**

REVIEWED BY: Kimberly Burns DATE: 02/04/2025 PHONE: (402) 471-4171

COMMENTS: The Nebraska Department of Education's assessment of fiscal impact from LB 538, as amended by AM 1385 and AM 1861, appears reasonable.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: **538** AM: **1385, 1861** AGENCY/POLT. SUB: **Nebraska State College System**

REVIEWED BY: Kimberly Burns DATE: 02/04/2025 PHONE: (402) 471-4171

COMMENTS: Concur with the Nebraska State College System's estimate of no fiscal impact from LB 538, as amended by AM 1385 and AM 1861.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: **538** AM: **1385, 1861** AGENCY/POLT. SUB: **Metropolitan Community College**

REVIEWED BY: Kimberly Burns DATE: 02/04/2025 PHONE: (402) 471-4171

COMMENTS: Concur with Metropolitan Community College's estimate of no fiscal impact from LB 538, as amended by AM 1385 and AM 1861.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: **538** AM: **1385, 1861** AGENCY/POLT. SUB: **Coordinating Commission for Postsecondary Education**

REVIEWED BY: Kimberly Burns DATE: 02/04/2025 PHONE: (402) 471-4171

COMMENTS: The Coordinating Commission for Postsecondary Education's assessment of fiscal impact from LB 538, as amended by AM 1385 and AM 1861, appears reasonable.

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538 AM1861 AM1385

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Education

Prepared by: ⁽³⁾ Lane Carr Date Prepared: ⁽⁴⁾ 12.3.25 Phone: ⁽⁵⁾ 402.419.3012

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$130,826		\$129,802	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$130,826		\$129,802	

Explanation of Estimate:

AM1861 to AM1385 now requires the State Board of Education to develop a model policy for schools. There would be minimal additional costs for the development of this policy.

Current requirements of federal civil rights law provide that any recipients of federal funds, whether that be a state agency, or political subdivision, are required to adhere to the requirements of the civil rights law, including having a complaint process. The bill enacts some of the same federal civil rights language, and then directs that the NDE investigate any complaints filed involving school districts.

Complaints, investigations, and enforcement of civil rights laws are currently carried out by the federal government, and not the NDE. If the Legislature enacts the bill requiring the NDE to do this work, then there is a fiscal impact as indicated to hire a person.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27 EXPENDITURES	2027-28 EXPENDITURES
	26-27	27-28		
Program Specialist II	1	1	63,641	65,709
Benefits.....			43,191	44,328
Operating.....			22,640	18,370
Travel.....			1,354	1,395
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			\$130,826	\$129,802

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538 AM 1861 AM 1385

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Metropolitan Community College

Prepared by: ⁽³⁾ Brian DeNio

Date Prepared: ⁽⁴⁾ 2/2/26

Phone: ⁽⁵⁾ (531)622-2515

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

No Fiscal Impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2026-27 EXPENDITURES	2027-28 EXPENDITURES
	26-27	27-28		
Benefits.....				
...				
Operating.....				
....				
Travel.....				
.				
Capital outlay.....				
Aid.....				
.				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2025

LB⁽¹⁾ 538 AM 1861 AM 1385

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Nebraska State College System

Prepared by: ⁽³⁾ Brenda Owen

Date Prepared: 2-4-2026
⁽⁴⁾

Phone: ⁽⁵⁾ 471-2505

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
...				
Operating.....				
....				
Travel.....				
.				
Capital outlay.....				
Aid.....				
.				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2026

LB (1) 0538 Require school boards and postsecondary educational institutions to adopt a policy and provide training relating to discrimination and antisemitism and provide for Title VI coordinators

FISCAL NOTE

State Agency OR Political Subdivision Name:⁽²⁾ University of Nebraska System

Prepared by:⁽³⁾ Anne Barnes Date Prepared:⁽⁴⁾ 02/04/2026 Phone:⁽⁵⁾ (402) 472-2191

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026 - 27		FY 2027 - 28	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
CASH FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
FEDERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
OTHER FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Explanation of Estimate:

Unknown Fiscal Impact.

LB 538, as amended by AM 1861, establishes a state-level Title VI coordinator within the Coordinating Commission for Postsecondary Education (CCPE) with authority to monitor and investigate discrimination and harassment, including antisemitic discrimination, in public postsecondary institutions. The bill expresses legislative intent that governing boards may adopt policies addressing antisemitic discrimination and requires the submission of annual reports summarizing incidents or complaints and their resolution.

Title VI of the federal Civil Rights Act of 1964 imposes comprehensive nondiscrimination requirements on the University of Nebraska, including established investigative procedures, trained personnel, timelines, corrective action protocols, and federal oversight by the U.S. Department of Education and the U.S. Department of Justice. The University currently maintains Board-approved policies and processes to ensure compliance with these federal obligations.

While the amended bill no longer requires immediate reporting of each incident or complaint and does not mandate adoption of new institutional policies, it still creates an additional, parallel oversight and investigative structure at the state level. Compliance with annual reporting requirements and coordination with the CCPE Title VI coordinator will require ongoing staff time within University Title VI, compliance, and legal offices to compile data, review matters for accuracy and privacy compliance, and respond to external inquiries or investigations.

The University anticipates that any direct fiscal impact would be limited but indeterminate at this time, driven primarily by increased administrative and compliance-related workload rather than new programmatic costs.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2026 - 27 EXPENDITURES</u>	<u>2027 - 28 EXPENDITURES</u>
	<u>26 - 27</u>	<u>27 - 28</u>		
	<u>0</u>	<u>0</u>		
	<u>0</u>	<u>0</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

Please complete ALL (5) blanks in the first three lines.

2026

LB⁽¹⁾ 538 AM1861

FISCAL NOTE

State Agency OR Political Subdivision
Name: ⁽²⁾

Coordinating Commission for Postsecondary Education

Prepared by: ⁽³⁾ Gary Timm

Date Prepared: 1/30/2026
⁽⁴⁾

Phone: ⁽⁵⁾ 402.471.0020

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2026-27		FY 2027-28	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	118,800		124,800	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	118,800		124,800	

Explanation of Estimate:

LB538 AM1861, Section 6 requires the commission to designate a Title VI coordinator that will monitor discrimination and harassment in public institutions. The coordinator will also be required to investigate all complaints of discrimination or harassment in public institutions and to file an annual report. The coordinator may be required to file complaints with the United States Department of Education and the United States Department of Justice.

The commission believes an attorney would be best suited to perform these investigative duties and would request a 1.0 FTE position, operating expenses, including phone and computer, and travel expenses related to investigations.

AM1861, which amends AM1385 in its entirety, retains the requirement that the coordinator investigate all complaints and would require the commission to employ an attorney as noted in the original fiscal note.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2026-27 EXPENDITURES</u>	<u>2027-28 EXPENDITURES</u>
	<u>26-27</u>	<u>27-28</u>		
Attorney II	1.0	1.0	77,200	79,500
Benefits			38,600	42,300
...				
Operating			1,500	1,500
....				
Travel			1,500	1,500
.				
Capital outlay				
Aid				

Capital
improvements.....
TOTAL.....

	118,800	124,800